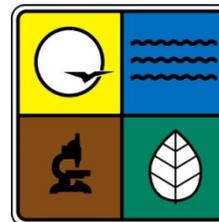


Hazardous Waste Forum

House Bills 28 & 650

Permit Streamlining Update

June 13, 2013



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

HW Permit Streamlining Proposal

- Original proposal developed by the HWP Permits Section and proposed by DNR
- Proposed changes predicated on over 20 years of staff experience in implementing requirements and ongoing evolution of regulatory program elements
- Changes included in HB 28 & HB 650 as originally proposed without modification

House Bills 28 & 650

- HB 28 and HB 650 passed by General Assembly during 2013 session
- HB 28 delivered to Governor for signature on May 22, 2013, HB 650 on May 30, 2013
- HW permit streamlining provisions are identical in both bills
- HW permit streamlining provisions have a relationship to HB 1251 passed during 2012 session that was effective on August 28, 2012

HB 1251 Requirements

- Section 260.373.1 of bill stated that HWMC shall not promulgate rules stricter than EPA rules in certain subject areas
- Affected regulatory areas included:
 - Definitions (10 CSR 25-3.260)
 - Identification of Hazardous Waste (10 CSR 25-4.261)
 - Hazardous waste generators (10 CSR 25-5.262)
 - Hazardous Waste TSDs (10 CSR 25 Chapter 7)

Review of Existing Rules

- In addition to limits on future rules being no stricter than EPA, department must identify existing hazardous waste rules that are inconsistent and file amendments to repeal
- Through the Hazardous Waste Forum, department has been reviewing affected rules in Chapters 3, 4, 5, and 7
- Hazardous Waste Forum includes department staff and hazardous waste stakeholders including environmental health and safety staff from laboratories, universities, permitted facilities, hazardous waste transporters, retailers and local/state emergency responders

Review of Existing Rules (cont.)

- Department prepared/reviewed with stakeholders color-coded rule text for each affected chapter
- Color-coded document efforts previously responded to only HB 1251 but now tentatively includes rescissions related to HB28/650 changes
- Once HB28/650 signed by the Governor, additional permit-related rules can be removed pursuant to HB1251 as underlying statutory basis is repealed

HB 28/650 - Statutory Elements Repealed

- Post-closure permit requirement (PC facilities)
- Five year permit reviews at operating HW land disposal facilities (2)
- Health, environmental and economic profiles at HW treatment and disposal facilities (11)
- Transportation route and emergency response evaluations at new HW treatment, disposal and resource recovery facilities
- Habitual violator reviews

Additional Regulatory Changes Identified

- Additional changes will directly affect 10 CSR 25 Chapter 7
- Changes become applicable pursuant to HB 1251 requirements since the underlying state statutory basis will disappear
- References in other chapters may be affected and will need to be checked

Interim Regulatory Approach

- Rulemaking to be complete by December 31, 2015, else affected rules are void
- Interim approach to state HW permit requirements may involve one or more options
 - Scheduling flexibility in application submission and permit issuance
 - Permit schedules of compliance
 - Use of enforcement discretion
 - Use of variances
- Cannot speak to EPA intentions as current rules would remain in effect until rule adoption and EPA authorization of new rules is complete

Questions?

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